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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,437	02/12/2002	Sami Uskela	P 284997	3626
909	7590	03/28/2005	EXAMINER	
PILLSBURY WINTHROP, LLP			PHAN, HUY Q	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	

2687

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/049,437	<b>Applicant(s)</b> USKELA, SAMI	
	<b>Examiner</b> Huy Q Phan	<b>Art Unit</b> 2687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is in response to Amendment filed on date: Nov. 12, 2004.  
Claims 1-12 are still pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Friedes (US-5,444,774).

Regarding claim 1, Friedes discloses a method for handling a call made by subscriber A using a subscriber terminal (fig. 5, cols. 8-9), wherein the method comprises

providing said subscriber terminal of the subscriber A with at least one AV source for providing audio and/or visual information to said subscriber terminal of the subscriber A (fig. 5, blocks 504-511);

offering a plural number of alternative AV sources to subscriber A when subscriber B is unable to answer (fig. 5, blocks 504-511);

receiving information about the AV source chosen by subscriber A (fig. 5, block 507, col. 9, lines 9-17); and

connecting the terminal used by subscriber A, or an AV part of the terminal, to the AV source chosen by subscriber A for the time subscriber A waits for subscriber B to answer or to become available after which the call is connected between subscribers A and B (fig. 5, block 513 and see cols. 8-9).

Regarding claim 2, Friedes discloses the method according to claim 1, wherein information about the AV source chosen by subscriber A is stored into a memory means prior to the call, and subscriber A's terminal, or at least its AV part, is connected to the AV source indicated by the subscriber-specific information stored in the memory means (figs. 2-4 and their descriptions).

Regarding claim 3, Friedes discloses the method according to claim 1, wherein at least the receiving step is carried out after it has been found out that subscriber B is unable to answer (fig. 5, block 504 and see cols. 8-9).

Regarding claim 4, Friedes discloses a telephone system (figs. 1-2 and cols. 3-7) comprising at least a terminal used by subscriber A (fig. 5, block 501 and see cols. 8-9), a terminal used by subscriber B (fig. 5, block 501 and see cols. 8-9), a switching center

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(fig. 2, network 202) for setting up a call between subscribers A and B (col. 6), and connecting means for connecting the subscriber A's terminal to an AV source when subscriber B is unable to answer (fig. 5, blocks 503-504 and see cols. 8-9), wherein the system comprises a plural number of alternative audiovisual sources of which at least one is arranged in said terminal used by subscriber A (fig. 5, block 502-511 and see cols. 8-9), and that the connecting means are arranged to connect the terminal of subscriber A to the AV source chosen by subscriber A when subscriber B is unable to answer (fig. 5, block 513 and see cols. 8-9).

Regarding claim 7, Friedes discloses the telephone system according to claim 4, wherein the connecting means, which comprise a specialized resource function and a service control function, inform subscriber A about the available AV sources (fig. 5, block 504 and cols. 8-9), receive the choice made by subscriber A and connect subscriber A's terminal to the AV source corresponding to the choice (fig. 5, blocks 507-511 and cols. 8-9).

Regarding claim 9, Friedes discloses the telephone system according to claim 4, wherein it comprises a private branch exchange to which a plural number of audiovisual sources and means are connected to transmit information to subscriber A about the available AV sources (figs. 3-4 and cols. 6-8), to receive the choice made by subscriber A and to connect subscriber terminal A to the AV source (fig. 5, blocks 507-511 and cols. 8-9).

Regarding claim 10, Friedes discloses a subscriber terminal of a telephone system (figs. 1-2 and cols. 3-7), the subscriber terminal comprising a telecommunications part, an AV part and a user interface (figs. 1-4 and cols. 3-7), wherein the telephone apparatus also comprises an audiovisual source and connecting means for connecting the AV part to the AV source in response to control signals relayed from other parts of the telephone system to indicate that subscriber B is unable to answer (fig. 5, block 501-513 and see cols. 8-9).

Regarding claim 11, Friedes discloses the subscriber terminal according to claim 10, wherein the AV source also comprises a memory into which audio data has been stored, and an audio generator for generating audio signals from the audio data and for feeding the signals into the AV part (figs. 2-4 and their descriptions).

Regarding claim 12, Friedes discloses the subscriber terminal according to claim 10, wherein the AV source is a radio (inherently to voice or signal channel see col. 5).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedes in view of Schumacher et al. (US-5,841,584)

Regarding claims 5, 6 and 8, Friedes discloses the telephone system according to claim 4. But, Friedes fails to expressly teach

wherein it comprises a mobile communications system; wherein the telephone system comprises at least one subscriber register having a data transmission connection to a mobile services switching center, subscriber information of subscriber terminals within the mobile communications system being maintained in the subscriber register, and connecting means comprising a specialized resource function and a service control function which read the subscriber information from the subscriber register and connect subscriber A's terminal to the AV source chosen by subscriber A on the basis of the information read; wherein it comprises a public switched telephone network.

However in analogous art, Schumacher et al. teach a mobile communications system (fig. 1 and its description); wherein the telephone system comprises at least one subscriber register having a data transmission connection to a mobile services switching center (col. 5, lines 42-46), subscriber information of subscriber terminals within the mobile communications system being maintained in the subscriber register, and connecting means comprising a specialized resource function and a service control function which read the subscriber information from the subscriber register and connect subscriber A's terminal to the AV source chosen by subscriber A on the basis of the

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information read (col. 5, lines 46-66); wherein it comprises a public switched telephone network (fig. 1, switching network and col. 8, lines 49-65).

Since, Friedes and Schumacher et al. are related to the communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Friedes as taught by Schumacher et al. for purpose of offering advantageously the user with the wireless communication technology.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Huyphan*

*Sonny Trinh*  
**SONNY TRINH**  
**PRIMARY EXAMINER**

Examiner: Phan, Huy Q.

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Date: Mar. 18, 2005